

REMARKS

Reconsideration and withdrawal of the rejections of the claims set forth in the Official Action of December 28, 2005, is respectfully requested in view of the following remarks.

Status of the Claims

Claims 1, 3-22, 24-26, and 28-41 are currently pending.

Claims 1, 10-12, 28, 31, 32, 34, 36 and 37 were rejected under 35 U.S.C. § 102(e).

Claims 3-9, 13-22, 24-26, 29-30, 33, 35, 38-41 were rejected under 35 U.S.C. § 103(a).

Claims 1, 3, 17, 22, 30-32, 34, 36, 37, and 38 have been amended to further clarify the invention. Applicants submit that no new matter has been added.

Claims 28 and 29 have been canceled.

Rejections under 35 U.S.C. § 102

Claims 1, 10-12, 32, 34 and 36 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,741,575 to Zhang et al. (“Zhang”). Applicants respectfully traverse this rejection.

Claim 1 of the present invention recites, *inter alia*, associating at least one local multicast channel with at least one global multicast channel. Applicants have amended claim 1 to further recite “wherein the at least one local multicast channel comprises an IP address” to clarify the invention. No new matter has been added by this amendment.

Zhang fails to disclose any such association. Instead, Zhang requires that the global multicast channel be associated with a cell ID and a m-LPTID. Therefore, the mapping of Zhang is different than Applicants' invention. In Applicants' invention, a global IP address is mapped to a local IP address. In Zhang, on the other hand, a global IP address is mapped to a cell number and a m-LPTID which is not an IP address as Applicants' amended claim requires. Zhang's method of mapping is different from Applicants and is suited for the PACS system but has disadvantages when applied to internet applications. In fact, Zhang teaches away from Applicants' invention because the use of a cell number restricts the mapping to a single cell, and therefore it is not capable of mapping to multiple cells as Applicants' scoping can. Zhang does not disclose or suggest associating to a local multicast address which is an IP address as claimed in the present invention, and thus, claim 1 is not anticipated by Zhang.

Claims 10-12 depend from claim 1 and should be patentable for at least those reasons recited above. Independent claim 32, which is a device substantially corresponding to claim 1, and independent claim 34, which is a software arrangement substantially corresponding to claim 1, have also been amended to further recite "wherein the at least one local multicast channel comprises an IP address" to clarify the invention and are patentable over Zhang for the same reasons as discussed above for Claim 1.

Claim 36 is a software arrangement substantially corresponding to claim 22. Claim 36 has been amended in an analogous way as claim 22 set forth below, such that the remarks relating to claim 22, set out below, are equally applicable to claim 36. Therefore, claim 36 is patentable over Zhang for at least the reasons discussed below with respect to claim 22.

Thus, the rejection of claims 1 and 10-12, 32, 34, and 36 under 35 U.S.C. § 102(e) should be withdrawn.

Claim 28 was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,990,883 to Byrne et al. (“Byrne”). Applicant has cancelled claim 28, so this rejection is now moot.

Claims 31 and 37 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,665,727 to Hayden (“Hayden”). Applicants respectfully traverse this rejection.

Claim 31 of the present invention has been amended for clarity and recites that, *inter alia*, the number be determined by receiving information from the receivers incorporated as part of the feedback signals being transmitted by the receivers. No new matter has been added by this amendment.

Hayden fails to disclose this method of determining the number of receivers receiving a broadcast. In making the rejection, the Examiner cites col. 5 lines 48-57 of Hayden which discloses a method of sending keep-alive messages to the server in order to determine when to stop transmitting a data stream. This section of Hayden, however, fails to suggest determining a number of receivers receiving the broadcast. The Examiner further cites an alternative embodiment of Hayden which discloses keeping a count of the clients receiving the broadcast by having the clients send a message to the server when the client starts or stops reading a data stream. (Hayden, col. 5 line 64 - col. 6 line 5). Hayden, however, admits that this is not reliable because the server is not guaranteed to receive the messages. (Hayden, col. 6 lines 5-12). Because of this disadvantage, Applicants’ invention does not query the server. Instead, in Applicants’ invention, the number is determined by querying a field in the feedback signals associated with the broadcast stream. Hayden does not disclose or suggest this method of

determining the number of receivers receiving the broadcast, and therefore, claim 31 is not anticipated by Hayden.

Claim 37, which is a software arrangement substantially corresponding to claim 31, has been amended for clarity and recites that, *inter alia*, the number be determined by receiving information from the receivers incorporated as part of the feedback signals being transmitted by the receivers. Claim 37 is patentable over Hayden for at least the same reasons as discussed with respect to claim 31. Thus, the rejection of claims 31 and 37 under 35 U.S.C. § 102(e) should be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 3-8, 13-16, and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zhang in view of U.S. Patent No. 5,892,535 to Allen et al. (“Allen”). Applicants respectfully traverse this rejection.

Claims 3-8, 13-16, and 33 all depend on claim 1, which is patentable over Zhang for the reasons discussed above. Allen does not cure the deficiencies of Zhang. As such, claims 3-8, 13-16, and 33, which depend from claim 1, are not rendered obvious by Zhang or Allen, either alone or in combination. Applicants respectfully request that these rejections be withdrawn.

Claims 22, 24-25, and 38-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zhang in view of U.S. Patent No. 6,119,007 to Chater-Lea et al. (“Chater-Lea”). Applicants respectfully traverse this rejection.

Claim 22 has been amended to include, *inter alia*, receiving, from the wireless receiver prior to leaving the first subnet, a request to receive the real-time broadcast in a second subnet, wherein the second subnet was not receiving the real-time broadcast prior to the request, so as to move the real-time broadcast from the first subnet to the second subnet, in order to clarify Applicants' invention. No new matter has been added by this amendment.

The Examiner admits that Zhang does not disclose a request to receive the real-time broadcast in a second subnet prior to leaving the first subnet. Instead, Zhang discloses sending a hand-off request after the subscriber unit crosses the cell boundary, or after the subscriber unit detects degradation. (Zhang, col. 9, lines 30-40). The Examiner, attempts to combine Chater-Lea with Zhang to cure the deficiencies of Zhang. Chater-Lea, however, only discloses a way of determining which adjacent cells are currently receiving the same call so that the user can go to those adjacent cells where the call is already being broadcast such that the call can be transferred without requiring a communication unit to perform any exchange signaling. (Chater-Lea, col. 2 lines 31-43). This hand-off from an active cell to another active cell is different than Applicants' invention. This, in fact, teaches away from Applicants' invention which proactively sets up the call or broadcast in a cell which is not currently receiving the broadcast. Therefore, the combination of Zhang and Chater-Lea does not disclose or even remotely suggest receiving, from the wireless receiver prior to leaving the first subnet, a request to receive the real-time broadcast in a second subnet wherein the second subnet was not receiving the broadcast prior to the request, as is required by claim 22.

Claims 24 and 25 depend from claim 22, and should be patentable for at least those reasons recited above. Claim 38 has been amended in an analogous way to claim 22 and is patentable over Zhang and Chater-Lea for at least the same reasons as claim 22. Claims 39-40

depend on claim 38 and are patentable for at least these same reasons. Thus, the rejection of claims 22, 24, 25, and 38-40 under 35 U.S.C. § 103(a) should be withdrawn.

Claims 26 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zhang and Chater-Lea and further in view of Allen. Applicants respectfully traverse this rejection. Claim 26 depends from claim 22. Zhang and Chater-Lea, alone or in combination, do not render claim 22 obvious for the reasons discussed above. Allen does not cure the deficiencies of Zhang. As such, claim 26, which depends from claim 22, is not rendered obvious by Zhang, Chater-Lea or Allen, either alone or in combination. Claim 41 depends from claim 38. As described above, Zhang and Chater-Lea do not render claim 38 obvious. Allen does not cure the deficiencies of Zhang. As such, claim 41, which depends from claim 38, is not rendered obvious by Zhang, Chater-Lea or Allen, either alone or in combination. Applicant respectfully requests that these rejections be withdrawn.

Claims 17-18 and 35 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen in view of U.S. Patent No. 5,757,798 to Hamaguchi (“Hamaguchi”). Applicants respectfully traverse these rejections.

Claim 17 has been amended to recite, *inter alia*, receiving the real-time broadcast of normal content from a remote device via a multicast communication which includes a control feedback of the real-time broadcast, the control feedback of the real-time broadcast including information indicative of a respective time and a duration of at least one break in the broadcast of the normal content. No new matter has been added by this amendment. In other words, the present invention includes information in the control feedback of the broadcast including when a break is forthcoming and the duration of the forthcoming break. Allen does not include

information in the control feedback of the broadcast indicative of a respective time and a duration of at least one break in the broadcast. Instead, Allen discloses using a cue tone to signal when a break from the ordered list is to be played. The present invention as defined in claim 17 does not use a cue tone to signal an immediate break. Because Allen does not disclose receiving the control feedback of a real-time broadcast including information indicative of a respective time and a duration of at least one break in the broadcast of the normal content, as is required in claim 17, Allen does not render claim 17 obvious. Hamaguchi does not cure the deficiencies of Allen.

Claim 18 depends from claim 17, and should be patentable for those reasons recited above. Claim 35 is a software arrangement substantially corresponding to claim 17. The remarks relating to claim 17, set out above, are equally applicable to claim 35. As such, Applicant respectfully requests that the rejections to claims 17, 18 and 35 be withdrawn.

Claims 19-21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen in view Hamaguchi and further in view of Zhang. Applicants respectfully traverse this rejection. Claims 19-21 depend from claim 17. Claim 17 is patentable over Allen and Hamaguchi for the reasons discussed above. Zhang does not cure the deficiencies of Allen and Hamaguchi. Claims 19-21, which depend from claim 17, should be patentable for at least those reasons recited above.

Claims 29-30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Byrne in view of Zhang. Applicants respectfully traverse this rejection. Claim 29 has been cancelled so that rejection is moot. Claim 30 has been amended to include all the elements of claim 28 on which claim 30 previously depended and also to recite that the second subnet was

not receiving the real-time broadcast prior to the request to receive the real-time broadcast in the second subnet. Claim 30 is now a device claim substantially similar to claim 22 and is patentable over the cited art for at least the reasons discussed above with respect to claim 22. Applicant respectfully requests that the rejection of claim 30 under 25 U.S.C. § 103(a) be withdrawn.

Conclusion

Based on the foregoing, Applicants submit that the present application is now in condition for allowance. A Notice of Allowance is respectfully requested. The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication to Deposit Account No. 02-4377.

Respectfully submitted,

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